

STATE OF OREGON

COUNTY OF MORROW

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

CITY OF IRRIGON
PO BOX 428
IRRIGON, OR 97844-0428

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-16445

SOURCE OF WATER: CITY WELL 3 AND CITY WELL 4 IN COLUMBIA RIVER BASIN

PURPOSE OR USE: MUNICIPAL USES INCLUDING BUT NOT LIMITED TO DOMESTIC USE

MAXIMUM RATE: 6.7 CUBIC FEET PER SECOND

PERIOD OF USE: YEAR ROUND.

DATE OF PRIORITY: APRIL 22, 2005

WELL LOCATIONS:

CITY WELL 3:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, T5N, R26E, W.M.; 400 FEET WEST & 3,250 FEET NORTH FROM SE CORNER, SECTION 23

CITY WELL 4:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 23, T5N, R26E, W.M.; 3,500 FEET EAST & 3,500 FEET NORTH FROM SW CORNER, SECTION 23

THE PLACE OF USE IS LOCATED AS FOLLOWS:

WITHIN THE SERVICE DISTRICT BOUNDARY OF CITY OF IRRIGON

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a totalizing flow meter. The totalizing flow meter must be installed and maintained in good working order consistent with those standards identified in OAR 690-507-645(1) through (3). The permittee shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Oregon Water Resources Department (Department) annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the Watermaster access to the meter; provided however, where the meter is located within a private structure, the Watermaster shall request access upon reasonable notice.

The well(s) shall produce groundwater only from the alluvial groundwater reservoir.

Within three years of permit issuance, the permittee shall submit a Water Management and Conservation Plan consistent with OAR Chapter 690, Division 86. The Director may approve an extension of this time line to complete the required Water Management and Conservation Plan. The time line for submittal of a plan under this permit does not alter the time lines for submittal of a plan under any other order of the Department.

MITIGATION CONDITIONS

1. MITIGATION AND AVOIDANCE

Except as otherwise provided in this Permit, when municipal water is being diverted during the period April 15 through September 30, the following avoidance and mitigation options, or some combination thereof, must be implemented. The volume of avoidance and/or mitigation provided during April 15 through September 30 must equal the consumptive use of municipal water diverted during the same time period. The permittee must notify the Department which avoidance, mitigation, or combination of these conditions will be implemented each year. The notification must occur in advance, at least annually, and no later than March 1, unless extended by the Department.

Consumptive Use is defined in this permit as being the amount of municipal water diverted under this permit minus any amount of water that is returned to ground water or surface water through the permittee's water treatment system. For the purposes of this permit the initial consumptive amount is equal to 52% of the volume that is pumped during the mitigation period for use under this permit. The permittee may request that this number be adjusted by submitting evidence that support a more appropriate percentage. The permittee shall provide additional mitigation if the Department

determines that the average annual consumptive use of the subject appropriation has increased beyond the originally mitigated amount.

2. DOMESTIC USE

For the purposes of this permit, "domestic use" includes water use indoors: in homes, churches and public buildings including schools, that receive water from this permit.

A. Minimum Extent of Domestic Use Under This Permit Not Requiring Mitigation

At a minimum, Permittee may use water under this Permit under the domestic exemption during April 15 through September 30 (without being subject to the mitigation and avoidance requirements of this Permit), at a rate (measured in cubic feet per second) equal to the average monthly "domestic" demand during the preceding November through February multiplied by 2.

For the year 2008, the minimum rate of water that can be used under this Permit under the domestic exemption during April 15 through September 30 (without being subject to the mitigation and avoidance requirements of this Permit) is 0.8357 cfs.

In any year after 2008, the minimum rate of water that can be used under this Permit under the domestic exemption during April 15 through September 30 (without being subject to the mitigation and avoidance requirements of this Permit) shall be at least equal to the minimum established for the year 2008, and may be more, as calculated under this condition (2(A)).

Reference is made to "domestic" use during winter months because that establishes an approximate baseline for "domestic" use during April 15 through September 30 (no lawn watering occurs in the winter, and "domestic" use does not include lawn watering). The additional percentage accounts for the fact that domestic use is typically higher during the summer than in the winter.

B. Maximum Extent of Domestic Use Under This Permit Not Requiring Mitigation

At most, the Permittee may use water under this Permit under the domestic exemption during April 15 through September 30 without being subject to the mitigation and avoidance requirements of this Permit, at a rate not greater than the Permittee's highest projected total daily demand (measured in cubic feet per second, or "cfs") for domestic use at any time during the period of April 15 through September 30 of the same year.

3. DOCUMENTATION OF DOMESTIC DEMAND

A. Documentation of Minimum Domestic Demand

On or before March 1 of each year, the Permittee shall submit documentation to the Watermaster setting forth the Permittee's minimum domestic demand if proposed to increase it from the previous year, as described in mitigation condition 2(A), above.

B. Documentation of Maximum Domestic Demand

If the Permittee's highest projected total daily demand for domestic use is expected to exceed the minimum domestic demand described above in condition 2(A), for domestic use at any time during April 15 through September 30, the Permittee shall submit documentation to the Watermaster providing a reasonable justification for such peak domestic demand projections consistent with condition 2(B), above. Such documentation must be submitted prior to any use of water under the domestic exemption in excess of the minimum rate described in condition 2(A).

4. ADDITIONAL REQUIREMENT FOR FLOW METERS

As a condition of use of water under this Permit, all of the Permittee's sources of municipal water shall be equipped with flow meters capable of measuring volume and instantaneous rate, and the Permittee shall maintain such flow meters according to the manufacturer's specifications.

5. WATER USE REPORTING AND ADDITIONAL INFORMATION

Unless otherwise directed by the Department, during the period of April 15 through September 30 of each year, the Permittee shall provide monthly reports to the Watermaster showing daily volume and peak rate data from all of the Permittee's sources of municipal water. The Department may require additional information and reporting from the Permittee regarding its domestic demand and water use from any source during the period of April 15 through September 30.

6. MODIFICATION OF PROJECTED DEMAND FOR DOMESTIC USE

In the event that the Permittee's actual peak demand for domestic use of water at any time during the period of April 15 through September 30 significantly differs from the Permittee's projections, the Watermaster and the Permittee may agree in writing to a reasonable modification of those projections. Any modification of the Permittee's projections shall only be applied prospectively from the date of the modification.

7. EMERGENCY USE NECESSARY FOR PUBLIC HEALTH AND SAFETY

The Permittee may also use water under this Permit for emergency use necessary for public health and safety, as determined by the Department, without being subject to the mitigation and avoidance requirements of this Permit. If the Permittee believes that this

Permit must be used for emergency use necessary for public health and safety, the Permittee shall immediately contact the appropriate OWRD Watermaster and describe the specific situation. As rapidly as practicable, the Department will determine (1) whether the situation constitutes an emergency necessitating use of water for public health and safety, and (2) if so, the amount of such water use that can be made by the Permittee under this Permit without being subject to the mitigation and avoidance requirements of this Permit.

8. AVOIDANCE

Diversion may occur if the permittee replaces water in amounts as specified in this permit by not diverting water under existing water rights from the Columbia River mainstem with points of diversion within the McNary or John Day Pools or from groundwater sources that are hydraulically connected to the Columbia River.

When calculating the amount of water that can be used under this permit as a result of avoidance, water rights that include a duty, such as irrigation, shall be calculated using a rate and duty. Other water rights, such as those for municipal or industrial that typically do not have a duty, shall be calculated using a rate only to determine the total volume. If any volume under the water right(s) will be diverted, said volume shall be measured, as approved by the Department, to determine the volume not diverted that will be used as avoidance water.

Special Conditions Related to Using Permitted Water as Avoidance Water:

Permitted water must have been beneficially used by the permittee in order to be eligible for use as avoidance water. The permit holder must first submit documentation to the Department for review and approval that shows that the permitted water has been beneficially used.

9. MITIGATION

Diversion of water may occur under this right if the permittee provides mitigation water in amounts as specified in this permit into the Columbia River, and its tributaries at or above the John Day Dam.

The mitigation water may be provided by protection of instream flows via the transfer or lease of water rights to instream use; allocation of conserved water; release of stored water delivered into the Columbia River, or its tributaries at or above the John Day Dam subject to the terms and conditions of a contract for the use of stored water, of which a copy of the contract must be on file in the records of the Water Resources Department; or other replacement flow.

In addition, the permittee shall receive a permanent mitigation credit for each domestic use that is added to the municipal water delivery system that was previously using a private domestic well that received water from the alluvial (shallow) aquifer. Each hook-up is worth an acre-foot

credit of 0.22 acre-foot per year for inside use and 1.25 acre-feet for an assumed 0.5 acre of domestic irrigated land for a total of 1.47 acre-feet mitigation credit. To receive the permanent credit the permittee shall provide to the Department written notification and well log documentation that shows that the well has been properly abandoned. The notification should include an estimate of the approximate area that has been irrigated for each domestic use. Mitigation credit for the consumptive portion of a valid alluvial aquifer groundwater right that is officially abandoned after hook up of the land parcel to the city can also qualify as mitigation.

10. NOTIFICATION

No later than March 1 of each year, unless extended by WRD, the Permittee shall notify the Director which avoidance, mitigation, or combination of these conditions will be implemented to avoid or mitigate the impacts to the Columbia River.

The Department will review the submittal, and contact the Permittee if the proposed avoidance or mitigation is not consistent with the conditions of the permit. The Permittee shall provide notice to WRD, for review and potential approval, of any changes in avoidance or mitigation three weeks prior to the avoidance or mitigation window (April 15 - September 30) for diversion of water.

These notifications are not necessary if:

1. The water right(s) for mitigation is a certificate or the permittee has submitted a claim of beneficial use documenting their full intended use of water as mitigation for this permit; and
2. The total volume perfected during April 15 through September 30 has been permanently transferred instream, or otherwise permanently protected instream as mitigation sufficient to protect flows to the Columbia River as specified above.

STANDARD CONDITIONS

If the number, location, source, or construction of any well deviates from that proposed in the permit application or required by permit conditions, this permit may not be valid, unless the Department authorizes the change in writing.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port,

and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the Watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the Watermaster shall distribute the water according to such agreement.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

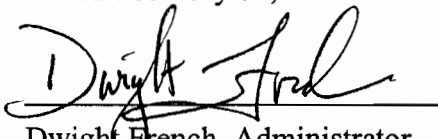
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The permittee shall commence and complete construction of any proposed works within 20 years from the date of permit issuance. The Department may order and allow an extension of time to complete construction or to perfect a water right beyond 20 years from the date of permit issuance.

Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued February 14, 2008



Dwight French, Administrator
Water Rights and Adjudications
for
Phillip C. Ward, Director
Oregon Water Resources Department